

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

SHAWANNA NELSON

PLAINTIFF

VS.

NO. 1:04CV00037

CORRECTIONAL MEDICAL SERVICES et al

DEFENDANTS

**PLAINTIFF'S RESPONSE TO DEPARTMENT OF CORRECTIONS DEFENDANTS
MOTION FOR SUMMARY JUDGMENT**

Comes the Plaintiff, Shawanna Nelson, by and through her lawyer, Cathleen V. Compton and for her Response to the Department of Corrections Motion to for Summary Judgment, states:

1. Paragraph one is admitted.
2. Paragraph two is admitted.
3. Paragraph three is admitted.
4. Paragraph four id denied, and has already been ruled upon.
5. Paragraph five is denied, and is prohibited by The Law of Case Doctrine.
6. The legal standard set forth in paragraph six is correct and so admitted. It is denied that the Arkansas Department of Correction Defendants are entitled to Summary Judgment in that there exist issues of material fact.
7. It is admitted that the Arkansas Department of Correction Defendants have adopted CMS' Motion for Summary Judgment, Briefs, and exhibits. Because of this, Plaintiff is being allowed to file one consolidated Brief in support of her response to both Motions.

It is admitted that those exhibits are attached.

8. Paragraph eight is denied.

Respectfully Submitted,

/s/ Cathleen Compton
Cathleen V. Compton, 85031
DUDLEY & COMPTON
114 S. Pulaski Street
Little Rock, AR 72201
(501) 372-0080

CERTIFICATE OF SERVICE

I, Cathleen V. Compton, certify that a true and correct copy of the foregoing has been served on the Defendants by electronic filing to Alan Humphries and Christine Boozer this 4th day of January, 2007.

/s/ Cathleen Compton
Cathleen V. Compton